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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,213	02/03/2006	**Paulus Cornelis Neervoort**	NL 030975	4196

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
NGUYEN, CAO H	
ART UNIT	**PAPER NUMBER**
2173	
MAIL DATE	**DELIVERY MODE**
03/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,213	NEERVOORT, PAULUS CORNELIS	
	Examiner	Art Unit	
	Cao (Kevin) Nguyen	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinckley et al. (US Patent Application Publication No. 2004/0140984) in view of Kelts (US Patent Application Publication No. 2001/0030667).

Regarding claims 1 and 6, Hinckley discloses a data processing system comprising presentation means for presenting at least a part of a document on a display screen [..display screen with document; see page 3, par. 0034], said presentation means being adapted to automatically adjust the zoom factor in dependence upon an aspect of said scroll command [..to dynamically adjust the rate of automatically scrolling; see page 8, par. 0068-0070]. However, Hinckley fails to explicitly teach said part being determined by a position of a focal point within the document and by a zoom factor with respect to at least one coordinate direction, and the presentation means being capable of adjusting the position of the focal point in response to a user supplied scroll command.

Kelts discloses said part being determined by a position of a focal point within the document and by a zoom factor with respect to at least one coordinate direction, and the presentation means being capable of adjusting the position of the focal point in response to a

user supplied scroll command [..scroll command may be adjust to focus as the focal point; see page 6, par. 0070]. It would have been obvious to one of an ordinary skill in the art, having the teachings of Hinckley and Kelts before him at the time the invention was made, to modify the automatically scrolling of Hinckley to include Interactive display interface for information objects, as taught by Kelts. One would have been motivated to make such a combination in order to scrolling through a number of documents or images and additional features designed to enhance the display of useful information to the user and to make it easier for the user to view and locate appropriate content.

Regarding claims 2 and 7, Hinckley discloses wherein said aspect of said scroll command includes at least one of a duration, a repetition rate, or an intensity [..fix rate or variable rate of scrolling; page 8, par. 0070-0071].

Regarding claims 3 and 8, Kelts discloses a wherein a relatively large adjustment of the position of the focal point in a certain coordinate direction causes a zooming-out of said document in at least said coordinate direction [..zooming in and out capabilities; see page 5, par. 0064].

Regarding claims 4 and 9, Hinckley discloses wherein the presentation means are adapted to reinstate the zoom factor when a predetermined period of time has lapsed since the scroll command (see page 4, par. 0035).

Regarding claims 5 and 10, Hinckley discloses wherein the automatic adjustment of the zoom factor proceeds gradually [..zooming feature facilitates the progressive scaling; see page 5, par. 0065.]

Regarding claim 11, Hinckley discloses a computer program product enabling a programmable device, when executing said computer program product, to function as a data processing system as defined (see figure 2).

Response to Arguments

Applicant's arguments filed on 12/18/08 have been fully considered but they are not persuasive.

In response to applicant's argument that a part being determined by a position of a focal point within the document and by a zoom factor with respect to *at least* one coordinate direction, and the presentation means being capable of adjusting the position of the focal point in response to a user supplied scroll command, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

In response to applicant's argument on pages 4-6 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, means for presenting at least a part of a document on a display screen of

Hinckley to include part being determined by a position of a focal point within the document and by a zoom factor with respect to at least one coordinate direction, and the presentation means being capable of adjusting the position of the focal point in response to a user supplied scroll command, as taught by Kelts. One would have been motivated to make such a combination in order to scrolling through a number of documents or images and additional features designed to enhance the display of useful information. Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

On pages 5-6 of the Remarks; Applicant's argues that the combination of Hinckley and Kelts do not teach or suggest "presentation means being adapted to automatically adjust the zoom factor in dependence upon an aspect of said scroll command". However, the examiner respectfully disagrees. As shown in figure 4, Hinckley discloses the automatic scrolling rate may depend upon the absolute finger location on the scrolling region, such that where the finger is located approximately in the middle of the scrolling region, the scrolling rate may be zero, and when the finger is located away from the middle, the automatic scrolling rate may increase with increasing distance from the middle. Any portion of the scrolling region may be used as a reference from which to measure the absolute position of the finger for purposes of automatic scrolling rate determination. Auto-Scrolling Rate Determination, Such as Based on Contact Area. Many different functions for mapping the rate of scrolling to the user's input are possible. For example, the system may use a fixed rate of scrolling and/or a variable rate of scrolling based on various factors such as finger speed, finger pressure/contact area,

length of hold, number of taps, and/or frequency of taps. If a fixed rate of scrolling is used, the fixed rate may have a default value, may be user-selectable, and/or may be selectable by the software application that is manipulating/editing the document. A variable rate of scrolling may allow the user to continuously adjust the scrolling rate as he or she scans through the document. The capability to continuously adjust the scrolling rate may provide a more controllable and predictable scroll interface; as recited in Hinckley.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571)272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cao (Kevin) Nguyen/

Primary Examiner, Art Unit 2173

02/27/09